

SENATE BILL NO. 243

INTRODUCED BY COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BEER WHOLESALER MAY HAVE MORE THAN ONE SUBWAREHOUSE; PROVIDING THAT A BEER WHOLESALER THAT IS ALSO A LICENSED TABLE WINE DISTRIBUTOR MAY STORE WINE IN ANY WAREHOUSE OR SUBWAREHOUSE OF THE BEER WHOLESALER; AND AMENDING SECTION 16-4-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-103, MCA, is amended to read:

"16-4-103. Wholesalers' licenses -- application for and issuance -- subwarehouses -- imported beer handled through warehouse or subwarehouse -- WINE STORAGE. (1) Any person desiring to sell and distribute beer as a wholesaler ~~under the provisions of this code~~ shall apply to the department for a license ~~to do so~~ and tender with ~~his~~ the application the required license fee, ~~provided for, and the~~ The department is hereby ~~empowered, authorized, and directed to~~ shall issue wholesale licenses to qualified applicants in accordance with the provisions of this code. ~~Such~~ A license ~~shall~~ must be ~~at all times~~ prominently displayed at all times in the place of business of ~~such~~ the wholesaler.

(2) An applicant shall ~~have~~ maintain a fixed place of business, sufficient capital, and the facilities, storehouse, receiving house, or warehouse for the receiving of, storage, handling, and moving of beer in large and jobbing quantities for distribution and sale in original packages to other licensed wholesalers or licensed retailers. Each wholesaler is entitled to only one wholesale license, which ~~license shall~~ must be issued for ~~his~~ the wholesaler's principal place of business in Montana. ~~A duplicate license~~ Duplicate licenses may be issued ~~for one subwarehouse only~~ the wholesaler's subwarehouses; in Montana, ~~for each wholesale licensee.~~ The duplicate license ~~shall at all times~~ licenses must be prominently displayed at all times ~~at said subwarehouse~~ the subwarehouses.

(3) If the applicant is a foreign corporation, the corporation must be authorized to do business in Montana.

(4) A WHOLESALER THAT IS ALSO LICENSED AS A TABLE WINE DISTRIBUTOR MAY STORE WINE IN ANY OF THE

1 WHOLESALE'S WAREHOUSES OR SUBWAREHOUSES.

2 ~~(4)(5)~~ As used in subsection (1), "distribute" has the meaning given to it provided in 16-3-218."

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4 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

5 - END -